

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

DOREEN DONOVAN,

Plaintiff,

-against-

GARY BARRERO AGUERO, et al.,

Defendants.

MEMORANDUM & ORDER
22-CV-4407 (EK) (RLM)

-----x

ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Roanne Mann's *sua sponte* Report and Recommendation ("R&R") dated August 01, 2022. ECF No. 5. Judge Mann recommends that I remand the case to the Supreme Court, Kings County, for lack of subject matter jurisdiction and because the removing defendants, Gary Barrero Aguero and Alba Wine and Spirits Warehousing and Distribution, LLC, did not obtain the consent of codefendant Penske Truck Leasing Co. to remove the case within the thirty-day period set out in 28 U.S.C. § 1446(b). No party has filed objections and the time to do so has expired. In fact, the removing defendants now consent to the remand. See ECF No. 6. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, the case is remanded to the Supreme Court of the State of New York, Kings County. The Clerk of Court is respectfully directed to remand the action, send a certified copy of this Order to the Clerk of that court, and close this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: August 22, 2022
Brooklyn, New York